

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CRAIG A. SMITH, II,**

**Plaintiff,**

**v.**

**Case No. 15-CV-202**

**BROWN COUNTY,**

**Defendant.**

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**ORDER**

Defendant Brown County filed a motion for summary judgment on January 8, 2016. Court records indicate that a copy of the motion and supporting brief was mailed to plaintiff that same day. Under the applicable procedural rules, plaintiff's response to that motion should have been filed on or before February 8, 2016. Court records show that plaintiff did not file a response to defendant's motion.

Civil Local Rule 41(c) provides that whenever it appears a plaintiff is not prosecuting an action diligently, the court may dismiss the action with or without prejudice. Because plaintiff has not filed a response, it appears that he no longer wishes to pursue this action.

**NOW, THEREFORE, IT IS ORDERED** that plaintiff shall file a response to defendant's motion for summary judgment on or before **March 4, 2016**. Failure to file a response may result in the court dismissing this action pursuant to Civil L.R. 41(c).

Dated at Milwaukee, Wisconsin, this 16th day of February, 2016.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge

### **Civil L. R. 41(c) Dismissal for Lack of Diligence**

(c) Dismissal for Lack of Diligence. Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action and Civil L. R. 41(a) or (b) does not apply, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.